761551N25A - SH-AD-32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

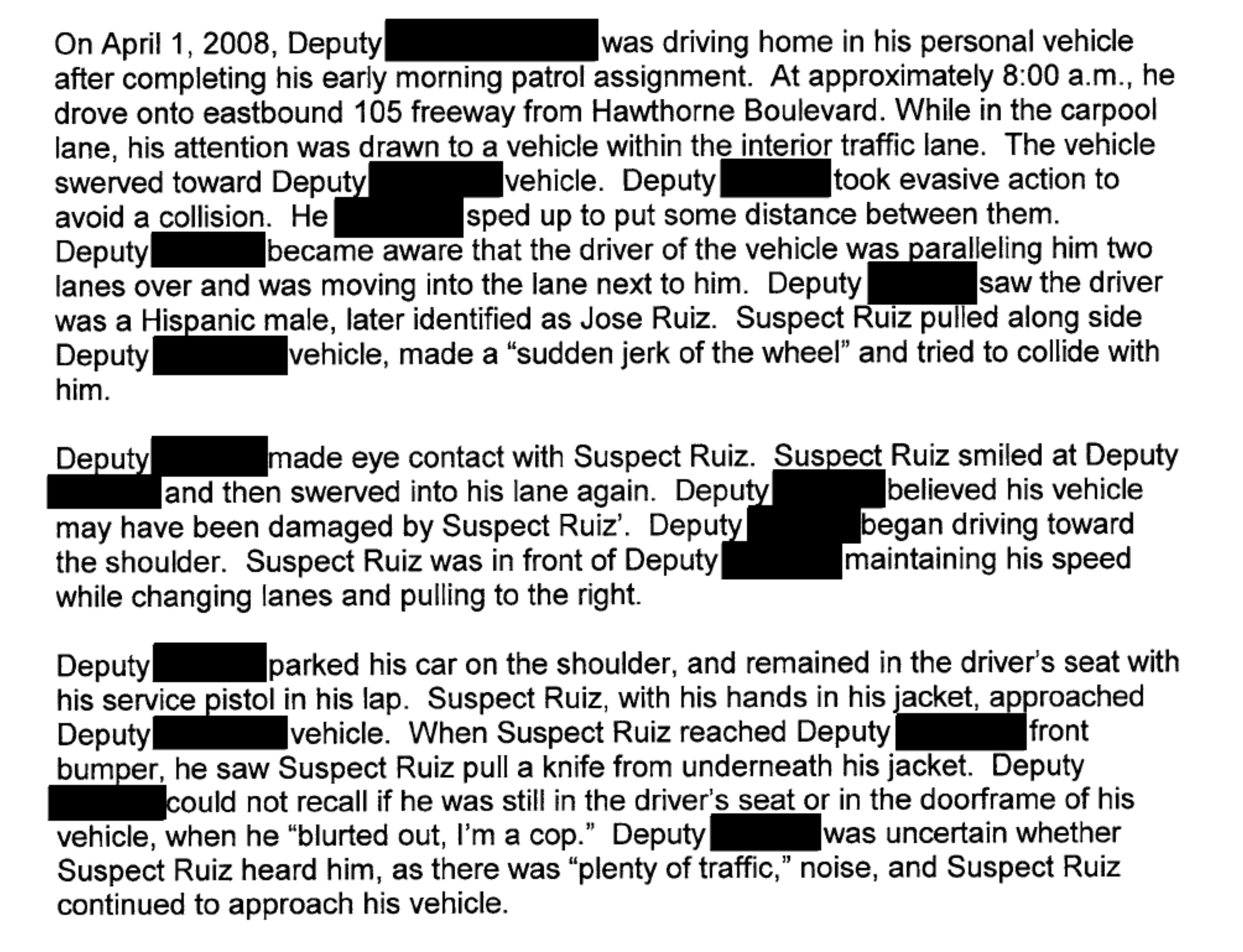
DATE: July 13, 2010

OFFICE CORRESPONDENCE FILE NO. SH2217586

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY [redacted] #[redacted]
[redacted]



On April 1, 2008, Deputy [redacted] was driving home in his personal vehicle after completing his early morning patrol assignment. At approximately 8:00 a.m., he drove onto eastbound 105 freeway from Hawthorne Boulevard. While in the carpool lane, his attention was drawn to a vehicle within the interior traffic lane. The vehicle swerved toward Deputy [redacted] vehicle. Deputy [redacted] took evasive action to avoid a collision. He [redacted] sped up to put some distance between them. Deputy [redacted] became aware that the driver of the vehicle was paralleling him two lanes over and was moving into the lane next to him. Deputy [redacted] saw the driver was a Hispanic male, later identified as Jose Ruiz. Suspect Ruiz pulled along side Deputy [redacted] vehicle, made a "sudden jerk of the wheel" and tried to collide with him.

Deputy [redacted] made eye contact with Suspect Ruiz. Suspect Ruiz smiled at Deputy [redacted] and then swerved into his lane again. Deputy [redacted] believed his vehicle may have been damaged by Suspect Ruiz'. Deputy [redacted] began driving toward the shoulder. Suspect Ruiz was in front of Deputy [redacted] maintaining his speed while changing lanes and pulling to the right.

Deputy [redacted] parked his car on the shoulder, and remained in the driver's seat with his service pistol in his lap. Suspect Ruiz, with his hands in his jacket, approached Deputy [redacted] vehicle. When Suspect Ruiz reached Deputy [redacted] front bumper, he saw Suspect Ruiz pull a knife from underneath his jacket. Deputy [redacted] could not recall if he was still in the driver's seat or in the doorframe of his vehicle, when he "blurted out, I'm a cop." Deputy [redacted] was uncertain whether Suspect Ruiz heard him, as there was "plenty of traffic," noise, and Suspect Ruiz continued to approach his vehicle.

When Suspect Ruiz reached the front wheel well of Deputy [redacted] vehicle, he fired two rounds, at Suspect Ruiz striking him in the chest and elbow. Suspect Ruiz immediately fell to the ground dropping the knife. Deputy [redacted] used his personal cell phone and contacted Lennox Station. He requested paramedics and assistance.

Medical personnel arrived and Suspect Ruiz was transported to Harbor General, UCLA Medical Center for treatment. Homicide Detectives inspected both vehicles and did not find any damage to either vehicle.

On July 8 2010 the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy [redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by Deputy [redacted] in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:RSP/rsp

T .BLE OF CONTENT

Los A(,eles County Sheriff's Dep('tment

Officer Involved Shooting

Report Date: 04-01-2008	Bureau/Station/Facility: Lennox	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 008-03605-0399-056	Date: 04-01-2008 Time: 0800
City or Station: Inglewod	Nature of Incident: Dep. believes Susp's veh. collided with his. Dep. stops his veh. on the Fwy to examine it. Susp. also stops. Susp. confronts Dep. with knife. Dep. ID's self and orders Susp. to drop knive, Susp. refuses, Dep. fires twice at Susp. Two hits.
Location: E/B 105 Fwy. at Crenshaw Blvd.	

Location Type (*circle one or more*): Backyard, Beach, Business, **(Freeway)** [circled], Industrial, Park, Parking Lot, Residence, Rural, School, Street, Other: ______

Lighting (*circle only one*): Darkness, **(Daylight)** [circled], Other, Street Lights

Weather (*circle only one*): **(Clear)** [circled], Cloudy, Fog, Rain

Distance: 2-3'

Incident Type (*circle one or more*): Accidental, **(Armed Person)** [circled], Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, Observation, One Person Unit, **(Other)** [circled], Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, **(Other)** [circled], Routine Patrol

Aero Unit? ☐ Canine Unit? ☐

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect
2	0

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
none				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Addr[redacted]	City [redacted]	Zip C[redacted]	Work Ph [redacted]	Home Ph [redacted]	
Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Street Addre[redacted]	City [redacted]	Zip C[redacted]	[redacted]	[redacted]	
Last Name [redacted]		First Name [redacted]		M.I. [redacted]	
Str[redacted]	City [redacted]	Zip Code [redacted]	[redacted]	Home Ph [redacted]	

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)	
[redacted]	Carter	April		**(On Duty)** [circled], Present during shooting	Witness to shooting, Involved in shooting
				On Duty, Present during shooting	Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Shire	Stacy	L.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Valencia	Dominic	J.

PSTD Use Only

SH # ______________

Officer Involved Shooting

URN: 008-03605-0399-056

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
04-01-2008	1030 hrs.	04-26-2010	

Employee #	Last Name	First Name	M.I
[redacted]	Hill	Scott	G.
[redacted]	Tong	Owen	nmn

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CF) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(CV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E1	S1	FH	BR	9	Y	Y	GS	AD
E1	S1	FH	BR	9	Y	Y	GS	EL

Officer Involved Shooting
Involved Employee Information

URN: 008-03605-0399-056

Involved Employee

E 1

Employee # [redacted]	Last Name [redacted]	First Name [redacted]	M.I. [redacted]
Sex: [redacted] Race: [redacted]	Rank Deputy Sheriff	Unit Assignment: [redacted]	Work Assignment (Unit #, Module, etc.): [redacted]
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used: [redacted]
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting: [redacted]	Duty Time (hrs): [redacted]	Clothing (*circle only one*): (Plain Clothes no Vest) [circled], Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors: none.
Age: [redacted] Height: [redacted]	Weight: [redacted]		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp #	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp #	Last Name [redacted]	First Name [redacted]	M.I.

E___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 008-03605-0399-056

Suspect Information

S 1

Last Name: Ruiz	First Name: Jose	M.I. A.
AKA Last Name: none	First Name:	M.I.
Sex: M Race: H	Street Address: [redacted] City: [redacted]	State & Zip Code: [redacted]
Work Phone: [redacted]	Home Phone: [redacted] Social Security #: [redacted]	Driver's License #: [redacted]
Age: 19 D.O.B. 10-21-88	Height: 5'06" Weight: 130 FBI # [redacted]	CII # [redacted]
Booking # 1239879	Primary Charge: 664 187(a) PC Secondary Charge: none	
Coroner Case? ☐	Coroner Case # N/A Intoxication/Drug Usage? ☐	Substance Used: N/A
Armed? ☒	Apprehended? ☒ Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Prelude	Model: Honda	Year: 1988

S __

Last Name:	First Name:	M.I.
AKA Last Name:	First Name:	M.I.
Sex: Race:	Street Address: City:	State & Zip Code:
Work Phone:	Home Phone: Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight: FBI #	CII #
Booking #	Primary Charge: Secondary Charge:	
Coroner Case? ☐	Coroner Case # Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐ Mental Illness? ☐	Criminal History? ☐
Vehicle Make	Model:	Year:

S __

Last Name:	First Name:	M.I.
AKA Last Name:	First Name:	M.I.
Sex: Race:	Street Address: City:	State & Zip Code:
Work Phone:	Home Phone: Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight: FBI #	CII #
Booking #	Primary Charge: Secondary Charge:	
Coroner Case? ☐	Coroner Case # Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐ Mental Illness? ☐	Criminal History? ☐
Vehicle Make	Model:	Year:

S __

Last Name:	First Name:	M.I.
AKA Last Name:	First Name:	M.I.
Sex: Race:	Street Address: City:	State & Zip Code:
Work Phone:	Home Phone: Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight: FBI #	CII #
Booking #	Primary Charge: Secondary Charge:	
Coroner Case? ☐	Coroner Case # Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐ Mental Illness? ☐	Criminal History? ☐
Vehicle Make	Model:	Year:

INVESTIGATIVE NARRATIVE

DEPUTY INVOLVED HIT SHOOTING
IAB SH 2217586
URN #008-03605-0399-056

INVOLVED EMPLOYEE: [redacted] #[redacted]
[redacted]
Date of Employment: [redacted]
Date assigned to Lennox: [redacted]
Prior Shooting Incident(s): [redacted]
Prior Founded Force Incidents(s): [redacted]

CIVILIAN WITNESSES: [redacted] DOB [redacted]
[redacted] DOB [redacted]
[redacted] DOB [redacted]

SUSPECTS: RUIZ, Jose Antonio, MH/30, DOB 10-02-1988, Bkg. #1239879

DATE & TIME: April 1, 2008, 0804 hours

LOCATION: Eastbound 105 Freeway, East of Crenshaw Blvd., Hawthorne

INVESTIGATOR: Sergeant Scott Hill, #[redacted]

Synopsis:

On April 1, 2008, Deputy [redacted] was driving home in his personal vehicle after completing his early morning patrol assignment at Lennox Station. At approximately 8:00 a.m., he made a right turn from Hawthorne Boulevard onto the eastbound entrance to the 105 freeway. While making a sweeping turn in the carpool lane, his attention was drawn to a vehicle within the interior traffic lane. The vehicle swerved toward Deputy [redacted] vehicle. Deputy [redacted] took evasive action to avoid a collision. He [redacted] sped up to put some distance between them.

Deputy [redacted] became aware that the driver of the vehicle that had nearly struck his vehicle was paralleling him two lanes over and was moving into the lane next to him. Deputy [redacted] glanced over and noted that the driver was a Hispanic male, later identified as Jose Ruiz. Suspect Ruiz pulled along side Deputy [redacted] vehicle in the adjacent lane, and made a "sudden jerk of the wheel and tried to collide with him." Deputy [redacted] swerved into the carpool lane to avoid a collision.

Deputy [redacted] made eye contact with Suspect Ruiz and Suspect Ruiz smiled at Deputy [redacted] After smiling at Deputy [redacted] Suspect Ruiz swerved into his lane again. Deputy [redacted] believed his vehicle may have been damaged by Suspect Ruiz'. Deputy [redacted] began driving toward the shoulder. Suspect Ruiz was in front of Deputy [redacted] maintaining his speed while changing lanes and pulling to the right.

Deputy [redacted] parked his car on the shoulder, and remained in the driver's seat with his service pistol in his lap. Suspect Ruiz, with his hands in his jacket approached Deputy [redacted] vehicle. When Suspect Ruiz reached Deputy [redacted] front bumper, Deputy [redacted] saw Suspect Ruiz pull a knife from underneath his jacket. Deputy [redacted] could not recall if he was still in the driver's seat or in the doorframe of his vehicle, when he "blurted out, I'm a cop." Deputy [redacted] was uncertain whether Suspect Ruiz heard him, as there was "plenty of traffic," noise, and Suspect Ruiz continued to approach his vehicle.

When Suspect Ruiz reached the front wheel well of Deputy [redacted] vehicle, he fired two rounds, at Suspect Ruiz striking him in the chest and elbow. Suspect Ruiz immediately fell to the ground dropping the knife (Refer to Exhibit "C" Photograph "D"). Deputy [redacted] approached Suspect Ruiz and said, "Dude, what is your problem, I'm a fucking cop." Suspect Ruiz replied, "Hey, I fucked up. I'm sorry." Deputy [redacted] used his personal cell phone and contacted Lennox Station He requested paramedics and additional units.

Medical personnel arrived and Suspect Ruiz was transported to Harbor General, UCLA Medical Center for treatment. Homicide Detectives inspected both vehicles and did not find any damage to either vehicle.

Criminal History:

Refer to Exhibit "B"

Injuries:

Civilian

Attending physicians UCLA / Harbor General Hospital determined that Suspect Ruiz had sustained two (2) gunshot wounds that had struck his left chest, his left flank and his left elbow area.

Sworn

None.

Investigator Observations:

The crime scene was located on the eastbound Century Freeway (I-105), just east of Crenshaw Boulevard, in the city of Hawthorne. The freeway traversed from east to west and from west to east. It had four lanes of traffic and a car pool lane on each side of the freeway. The lanes located on the south side of the freeway, provided vehicle traffic for eastbound traffic, and the lanes located on the north side of the freeway provided vehicle traffic for westbound traffic. For the purpose of this report the westbound lanes of the Century Freeway will be considered unremarkable.

The freeway's eastbound and westbound lanes were separated by a center divider and the Metro Rail transportation system. The Metro Rail cars traversed on two railway tracks that extended east to west and ran parallel to the freeway. Detectives saw there was a Metro Rail platform identified with the address of 11909 Crenshaw Boulevard, and it was located 633' west of the crime scene (Refer to Exhibit "H"). The platform was elevated and it was constructed between the two railway tracks directly above Crenshaw Boulevard.

As Detectives walked south from the center divider of the eastbound side of the freeway, they first encountered the emergency lane, which separated the center divider from a car pool lane. As they continued walking south across the freeway, they observed there were four traffic lanes positioned immediately south of the car pool lane. Detectives also observed there was an emergency lane located between the fourth lane of traffic and the south curb line of the freeway.

The distance between the center divider and the south curb line of the eastbound side of the freeway measured 84'.

Located immediately south of the south curb line was a dirt median containing numerous bushes and shrubs. That median sloped downward approximately fifteen feet below the freeway. It separated the south curb line of the freeway from a two lane on ramp which provided vehicle traffic the ability to access the eastbound Century Freeway from Crenshaw Boulevard.

As Detectives continued looking south, they saw there was another green belt containing numerous trees and bushes. That green belt was positioned between the freeway and a commercial business complex identified as the "Magic Johnson Complex," which was located in the 2900 block of West 120th Street, in the city of Hawthorne.

The following major streets encompassed the crime scene; Imperial Highway was an east/west street, located to the north. Van Ness Avenue was a north/south street, located to the east. West 120th Street was an east/west street, located to the south, and Crenshaw Boulevard was a north/south street, located to the west.

Detectives observed the crime scene was positioned between two off-ramps. The Crenshaw Boulevard off-ramp was located approximately .5 miles west of the crime scene. The Vermont Avenue off-ramp was located approximately 1.7 miles east of the crime scene.

It should be noted during the course of this investigation, Detectives learned when Deputy [redacted] left Lennox Sheriff's Station to drive home, he accessed the eastbound Century Freeway from the southbound Hawthorne Boulevard on-ramp. That on-ramp was located approximately 2 miles west of the crime scene.

The vehicles driven by Deputy [redacted] and Suspect Ruiz were parked in the emergency lane of the eastbound Century Freeway, just east of Crenshaw Boulevard. The vehicles were facing east and their ignitions were on.

Deputy [redacted] vehicle was a dark green, 1996, four door Chevrolet Impala Super Sport, VIN: [redacted] There was no front license plate, and the area for the rear license plate had a paper plate affixed with the words "Harbor Chevrolet." Deputy [redacted] was the registered owner of the vehicle. The vehicle's windows were tinted, and the front driver and front passengers' windows were rolled down. Detectives examined the exterior of the vehicle and didn't note any damage.

There was a green T-shirt laying on the front passenger seat, and a pair of black tennis shoes laying on the rear seat. The remainder of the interior of the vehicle was unremarkable. There were two expended 9MM shell casings laying on the hood recess area, below the front windshield of the dark-green Chevrolet Impala.

Suspect Ruiz' vehicle was stopped directly east of Deputy [redacted] vehicle. Suspect Ruiz' rear bumper was approximately 8'7" east of Deputy [redacted] front bumper.

Suspect Ruiz' vehicle was a yellow, 1988, two-door Honda Prelude, California license plate [redacted] The vehicle was registered to [redacted] The vehicle's windows were tinted, and the front driver's window was rolled down. There was a sunroof that slid open. It was open approximately 3-4".

The vehicle's interior and exterior were in extremely poor condition. There was a dent on the hood, a piece of black rubber molding was missing from the driver and passenger's side, the paint was scratched and chipped and the front passenger side windshield was cracked.

There was a pencil laying on the center console between the driver and passenger seat and a twenty-dollar bill between the driver seat and center console. There was a "Rubbermaid" plastic cooler on the rear passenger's floorboard behind the driver's seat. The cooler contained two sandwiches, an orange, a can of "Coca Cola" and two small bottles of apple juice. There was a baby's car seat also laying on the rear passenger's seat. The remainder of the vehicle was unremarkable.

Detectives saw there was a copper jacketed bullet (Evidence Item #1) laying on the south edge of the #4 lane of the eastbound traffic of the Century Freeway, just north of Deputy [redacted] driver's door. Suspect Ruiz' clothing (Evidence Item #4) was also laying on the south edge of the #4 lane of the eastbound traffic of the Century Freeway, just north of Deputy [redacted] vehicle.

Detectives learned Detective Christopher Maurizi, #[redacted] from Lennox Sheriff's Station recovered a knife at the scene, prior to Detectives arrival. Detective Maurizi put the knife in an envelope and placed it in the trunk of Deputy Danny Silliman's, #[redacted] patrol vehicle. Detectives recovered the knife from the trunk of the patrol vehicle and had it photographed.

For details of the Detective Maurizi's recovery of the knife, refer to his Supplemental Report bearing the above file number.

Deputy Mario Cortez, #[redacted] and Forensic Identification Specialist David Ozeta, #[redacted] assigned to Scientific Services Bureau, Latent Print Section, assisted Detectives at the scene. They took overall photographs of the scene and of evidence items. They also collected Suspect Ruiz' clothing and the knife and booked the evidence at the Sheriff's Crime Lab for further processing.

At the Detectives direction, Deputy Ronald Ducat, #[redacted] assigned to Scientific Services Bureau, Latent Prints Section, videotaped the crime scene and also took overall photographs.

Deputy David Kim, #[redacted] and Senior Criminalist Marco Lezza, #[redacted] assigned to Scientific Services Bureau, Firearm's Section, also assisted Detectives at the crime scene. They collected the two expended shell casings (Evidence Items #2 and #3) and the copper jacketed bullet (Evidence Item #1). Those items were transported to the Sheriff's Crime Lab and booked into evidence for further processing.

Photographic Evidence:

Refer to Exhibit "C" Photographs A-E.
Refer to Exhibit "D" LASD crime scene photographs

Weapon Used by Deputy Personnel:

Deputy [redacted]

Service Weapon:	Beretta, model 92FS, semiautomatic pistol, serial number BE[redacted]
Ammunition:	9mm Luger
Shell Casings:	2
Date Employee Last Qualified:	[redacted]
Date Last Trained with Weapon:	

Deputy [redacted] pistol was submitted to the LASD crime lab in one envelope with one cartridge and a separate envelope with one magazine and thirteen cartridges. The submitted pistol was examined by Firearms Examiner, David Kim, [redacted] It was test fired and found to be functional. The test fires from this pistol were issued laboratory receipt number J973716.

Weapon Used by Suspect:

Butterfly knife, refer to Exhibit "C" photograph "E" and Exhibit "A" LASD Homicide Review, pages 96-102.

Property Damage:

None.

Criminal Investigation/Charges Filed:

On April 3, 2008, Deputy District Attorney Linda Loftfield filed a felony complaint against Suspect Ruiz. He was charged in case number SA067329 with violating Penal Code Section 245, Assault with a Deadly Weapon on a Peace Officer, and Penal Code Section 245(a)(1), Assault with a Deadly Weapon.

On October 29,2008, Suspect Ruiz pleaded no contest to violating Penal Code Section 245(a)(1) and was sentenced to five years formal probation and one hundred hours of community service. He was given 81 days credit for time served.

Lighting and Weather Conditions:

The shooting occurred at 0804 hours. The weather was clear and cool.

Involved Employee Statements:

Deputy [redacted] #[redacted]

LASD Homicide Interview

Deputy [redacted] was interviewed by LASD Homicide Sergeants Okada and Anderson on April 1, 2008, at 1325 hours. The interview was digitally audio recorded. The narrative which follows is intended only as a synopsis of the interview. Additional information and precise wording may be obtained by reviewing Deputy [redacted] recorded interview.

Deputy [redacted] said he had completed his Early Morning shift patrol assignment and was driving home in his personal vehicle. He left the station and traveled westbound on Lennox Boulevard, before turning southbound onto Hawthorne Boulevard. At approximately 0804 hours, he made a right turn onto the eastbound entrance to the 105 Freeway.

His vehicle was in the high occupancy lane, which comprises the outermost traffic lane. While making a sweeping right turn toward the eastbound lanes of travel, his attention was drawn to a vehicle within the interior traffic lane, which suddenly moved dangerously close to his vehicle during the turning movement. Deputy [redacted] took evasive action to avoid a collision and then sped up, in an effort to put distance between himself and the other vehicle.

Very shortly thereafter, Deputy [redacted] became aware that the driver of the vehicle that had nearly struck his vehicle was paralleling him in another lane. Deputy [redacted] glanced over quickly and noted that the driver was a Hispanic male. He did not recognize the male from any prior law enforcement or personal contacts. The suspect vehicle then pulled alongside Deputy [redacted] vehicle in the adjacent lane, before making a sudden, deliberate turning movement into the deputy's lane of traffic. Deputy [redacted] took rapid evasive action to avoid a collision and attempted to accelerate away from the suspect. Due to the narrow confines of the encounter, he believed that the male's vehicle had actually made slight contact with his vehicle. Deputy [redacted] elected to pull to the right side of the roadway to determine if his vehicle had sustained any damage.

Deputy [redacted] was able to safely pull over to the shoulder of the freeway, east of Crenshaw Boulevard. As he did so, the suspect also pulled his vehicle over, in front of Deputy [redacted] vehicle. Deputy [redacted] opened his driver's door, but remained within the passenger compartment of his vehicle as the suspect's vehicle came to a stop. He was armed with his service pistol, which he had concealed under his right leg. Deputy [redacted] chose to assess the situation as the suspect exited his vehicle.

When the suspect exited, Deputy [redacted] noted that he was wearing an Oakland Raiders jacket. Deputy [redacted] looked at the suspect and thought to himself regarding the suspect's possible gang affiliation. The jacket served to conceal the suspect's hands, which were located within his waistband. Based upon the suspect's demeanor and actions, Deputy [redacted] feared that he might be armed with a handgun. As a result, Deputy [redacted] took a tactical position behind his driver's door, and advised the suspect that he was a "cop" as he pointed his handgun in the direction of the suspect. The suspect moved in his direction and he observed a knife in the suspect's right hand.

Due to Deputy [redacted] military and law enforcement training, he was knowledgeable about the extremely serious threat posed by a knife wielding suspect within a distance of twenty-five (25) feet. As the suspect continued moving toward him, Deputy [redacted] feared that he might already be capable of fatally injuring him. When the suspect reached the front wheel well of Deputy [redacted] personal vehicle, Deputy [redacted] fired at the suspect from close range. Deputy [redacted] believed that he fired 2-3 rounds from his service weapon. He reassessed the situation and felt that the suspect was no longer a threat. Deputy [redacted] remained in a tactical position behind his open driver's door and visually scanned in the direction of the suspect's vehicle to determine if there were any additional persons there that could harm him. Believing that he was no longer in imminent danger, he stepped from behind the door and continued to hold the suspect at gunpoint. He utilized his personal cellular phone to contact Lennox Station to advise them that he was holding a wounded, armed suspect at gunpoint.

While awaiting the arrival of emergency first responders, Deputy [redacted] asked the suspect why he acted the way that he did. The suspect responded, "Dude, I fucked up! I'm sorry." Very shortly thereafter, law enforcement and emergency medical personnel arrived on-scene and took the suspect into custody and provided emergency care to him.[1]

Internal Affairs Bureau Interview

Deputy [redacted] was interviewed by IAB Sergeants Scott Hill and Owen Tong on April 22, 2010, at 1102 hours. The interview was digitally audio recorded. The narrative which follows is intended only as a synopsis of the IAB interview. Additional information and precise wording may be obtained by reviewing Deputy [redacted] recorded interview.

On April 1, 2008, Deputy [redacted] had been assigned to [redacted] he was a field training officer. Deputy [redacted] began his shift on May 31st at [redacted] hrs. He finished at [redacted] hours. He remained after work to assist his trainee with some paperwork.

Just before 0800 hours, Deputy [redacted] drove his dark-green Chevy Impala onto the eastbound Century (105) Freeway at Hawthorne Blvd. (Refer to Photograph "A" Exhibit "C"). He was in the carpool lane (violation of section 21655.5(b) CVC).

> **IAB Note:** Deputy [redacted] acknowledged the CVC violation.

Deputy [redacted] first became aware of Suspect Ruiz approximately fifty yards before he [redacted] entered the freeway proper. Suspect Ruiz, who unbeknownst to Deputy [redacted] was beside him, swerved his yellow Honda Prelude toward Deputy [redacted] car. "I'm assuming he was directly next to me, because I didn't catch sight of him until you know, I saw from my peripheral this object coming toward me."

Deputy [redacted] swerved to his left to avoid a collision. Not knowing the reason for Suspect Ruiz' behavior, Deputy [redacted] accelerated to put some distance between himself and Suspect Ruiz. After entering traffic, Deputy [redacted] moved to the number one eastbound lane. Deputy [redacted] looked to his right and saw Suspect Ruiz parallel to him in the number three lane. Suspect Ruiz moved into the number two lane.

After reaching the number two lane, Suspect Ruiz swerved his vehicle into Deputy [redacted] for a second time. In order to avoid a collision, Deputy [redacted] swerved into the carpool lane and returned to the number one lane. Deputy [redacted] looked to his right and make eye contact with Suspect Ruiz. Deputy [redacted] stated Suspect Ruiz smiled at him. While looking in Deputy [redacted] direction and smiling at him, Suspect Ruiz swerved his vehicle into Deputy [redacted] for a third time.

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[1]LASD Homicide report, file 008-03605-0399-056, pages 32-34.

Deputy [redacted] swerved completely into the carpool lane and heard a "thumping" sound. Suspect Ruiz continued eastbound on the freeway. Believing Suspect Ruiz had collided with him, Deputy [redacted] slowed down and began pulling to the side of the freeway.

> **IAB Note:** Examination of the two vehicles by Homicide Detectives revealed no damage to either vehicle.

As he approached the freeway shoulder, Deputy [redacted] saw Suspect Ruiz ahead of him, slowing and moving toward the side of the freeway. Simultaneously, both vehicles pulled onto the side of the freeway, just east of Crenshaw Blvd.

Prior to pulling over, Deputy [redacted] was asked if he "flipped off" Suspect Ruiz, or if he exposed his weapon to Suspect Ruiz. Deputy [redacted] stated he did neither. Further, he stated there was no verbal communication between them. They just made eye contact.

Given the circumstances, Deputy [redacted] was asked why he decided to pull to the side of the freeway, and why he didn't notify the CHP. Deputy [redacted] said;

> I felt like I'm safer here and let him go on his way, as opposed to me trying to speed up when there's a lot of traffic and creating maybe some you know, a chase or something like that you know.

After noticing Suspect Ruiz was also pulling over with him, Deputy [redacted] was asked why he didn't keep driving. Deputy [redacted] said;

> Well there was a lot of traffic at that point. It [would] be difficult for me to get back on the freeway and at this point, when he smiled at me and he swerved into me, at that point I thought well you know what, he's pulling over, maybe he, I did hit his car and now we're going to discuss any type of liability issues as far as insurance is concerned.

Deputy [redacted] was asked if stopping on the freeway was a poor choice. He said, "I don't, no."

After reaching the side of the freeway, Deputy [redacted] saw Suspect Ruiz bend forward while still seated in his vehicle. Immediately after, Suspect Ruiz exited his vehicle and began walking toward Deputy [redacted] Deputy [redacted] said;

> I am still in my car. I see he has both hands inside his waistband or underneath his, inside his waistband, underneath his shirt. And well, at that point I'm thinking you know, he's got the Raider jacket on. He kind of looks like a gangster. I'm thinking he's got a pistol underneath his waistband. At that point I don't know what he's going to do, I don't see the pistol. So I'm assuming he has one. I have the pistol, my pistol, my service pistol underneath my leg.

So at this point I put the pistol on my lap and [I'm] waiting to see what he's going to do and I mean this is all, I mean it happens like this. I see him come out and he's here. I put the pistol on my lap, he starts walking, he faces toward me.

At that point I open the door to my car and I'm starting to get out, starting to exit. He kind of moves at brisk, a faster pace walk. He kind of, a really brisk walk and he gets about here (referring to a point in Exhibit "C" Photograph "C"). At that point, when he gets there, my door is open. I don't remember if I exited. He pulls out the knife (from beneath his jacket) refer to Exhibit "C" photograph "E." It was opened up and the blade was exposed. He was holding it with his right hand.

Well I saw the blade and I don't remember if I was, had one foot out and kind of trying to get out of the seat or if I had already, was standing inside the door frame of the car with the door open, but when I saw the knife, I blurted out and I said, "Hey, I'm a cop." real quick and I mean it was maybe, not even a second, because he was going pretty fast, by the time I was able to blurt that out, he was already here.

I thought he's, I mean he's within maybe two or three feet of me and he's got a knife and I, I thought he was going to stab me with it. So I mean I was afraid and I squeezed two rounds off. Well I didn't see them (the rounds) hit, but he went down. I mean he went down like a sack of potatoes.

Because Suspect Ruiz collapsed so abruptly, Deputy [redacted] thought he had shot Suspect Ruiz in the head.

After Suspect Ruiz collapsed to the ground, Deputy [redacted] said, "Dude, what's your problem? You know, I'm a fucking cop." Suspect Ruiz said, "Oh shit, man I fucked up. I'm sorry."

While covering Suspect Ruiz, Deputy [redacted] used his cellular phone to call Lennox Station. He notified them of the shooting.

Deputy [redacted] stated there were no persons or vehicles in his line of fire when he fired his weapon at Suspect Ruiz. Deputy [redacted] stated he did not see either of the rounds impact Suspect Ruiz' body.

Suspect Statements:

Mr. Jose Antonio Ruiz

Suspect Ruiz was interviewed by LASD Homicide Sergeants Anderson and Okada on April 1, 2008. The interview was digitally audio recorded. The narrative which follows is intended only as a synopsis of the Homicide interview. Additional information and precise wording may be obtained by reviewing Deputy [redacted] recorded interview.

Suspect Ruiz stated that he worked at a construction job and was on his way to work when the incident occurred. He said that he entered the eastbound 105 Freeway at Hawthorne Boulevard. While completing the turning movement onto the eastbound lanes of traffic, his vehicle was nearly struck by a vehicle driven by another male Hispanic (later identified as Deputy [redacted] Suspect Ruiz stated he became enraged at the near collision and sped up toward Deputy [redacted] vehicle. As Suspect Ruiz related the genesis of the incident to us, we noted that he contorted his face and he displayed an angry demeanor. He said he knew he shouldn't have gotten that upset about the encounter, but he had been furious.

Suspect Ruiz said as he continued eastbound on the freeway, he and Deputy [redacted] exchanged angry looks and words. At one point, Deputy [redacted] extended the middle finger of one of his hands in the direction of Suspect Ruiz. Suspect Ruiz stated this act further infuriated him and he pulled his vehicle over to the skirt of the roadway at the same time as Deputy [redacted] did to continue the dispute. He confirmed his vehicle was parked slightly in front of Deputy [redacted] vehicle. He added, "during the initial freeway confrontation, he had seen Deputy [redacted] displaying a handgun. Suspect Ruiz said since he was aware Deputy [redacted] was armed with a handgun, he elected to arm himself with his knife, which he routinely carried in his pocket.

After parking his car, Suspect Ruiz exited the vehicle armed with his knife. He confirmed that he was right-handed. Suspect Ruiz was adamant that Deputy [redacted] never identified himself as a peace officer. When asked why he would knowingly confront a man who was armed with a handgun, while he (Ruiz) was armed with a knife, Suspect Jose Ruiz could only attribute it to the anger that he had felt at that time. By Suspect Ruiz' estimate, he took 3-5 steps in Deputy [redacted] direction before he was shot. Once shot Suspect Ruiz dropped to the ground near the front of Deputy [redacted] vehicle. Upon further questioning, Suspect Ruiz agreed that in the aftermath of the shooting, Deputy [redacted] had not used any additional force of any type against him and had merely kept him at gunpoint until the police and paramedics arrived.

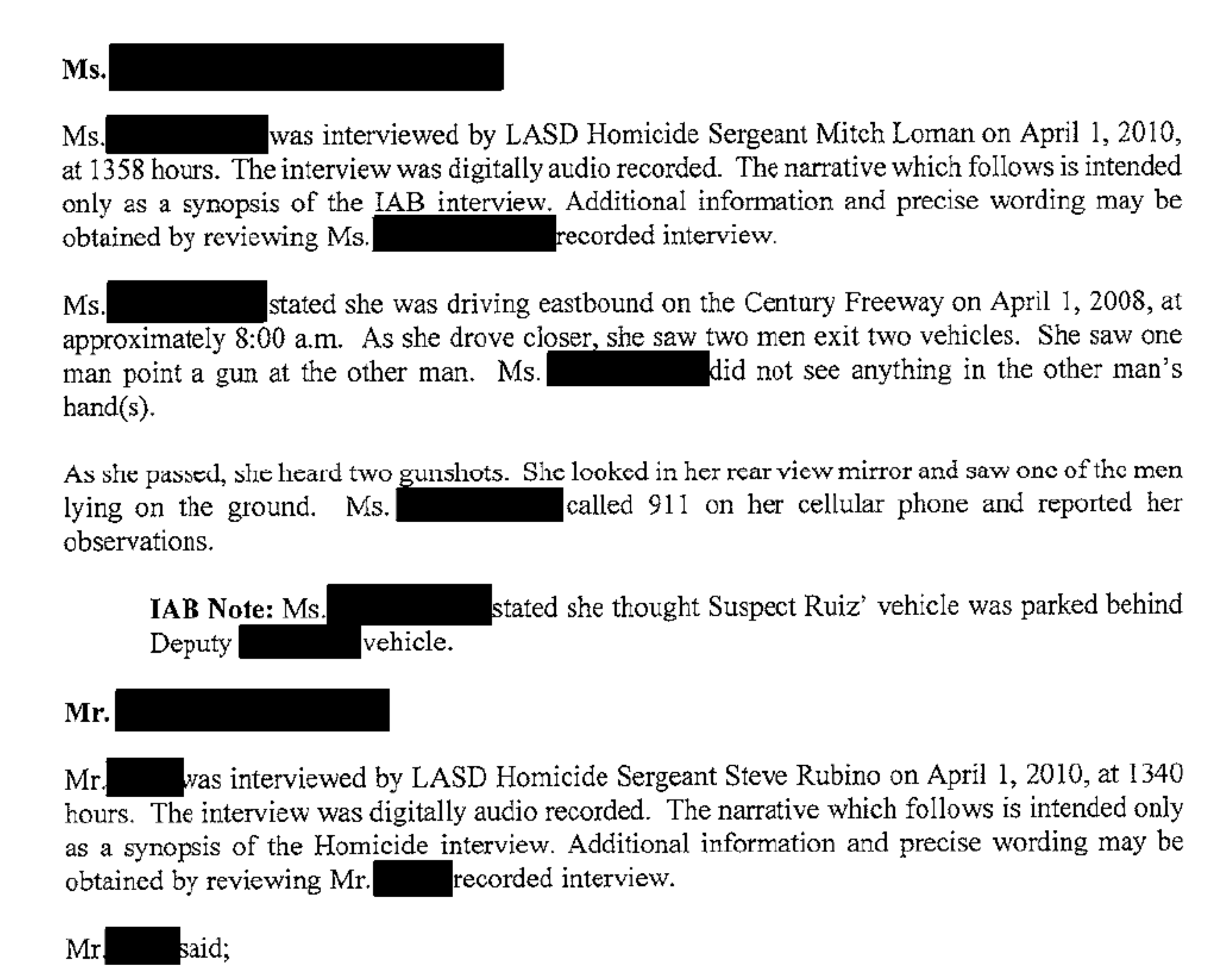
Suspect Ruiz confirmed that Deputy [redacted] had not moved in his direction after their vehicles came to a stop at the edge of the freeway. He also confirmed that Deputy [redacted] remained behind the driver's door of his [redacted] vehicle during the entire course of the final confrontation and shooting. Despite verifying Deputy [redacted] location and actions, Suspect Ruiz remained steadfast that he never realized Deputy [redacted] was a peace officer until he was told at the hospital.[2]

Civilian Witness Statements:

IAB Note: Several potential witnesses were identified by Homicide Detectives. Of the potential witnesses only three provided relevant statements. Of these three, only one, Witness [redacted] actually witnessed the shooting. The other two, Witness [redacted] and [redacted] witnessed the aftermath, i.e., Deputy [redacted] pointing his weapon at a prone Suspect Ruiz.

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[2]LASD Homicide report, file 008-03605-0399-056, pages 34-35



Ms. [redacted]

Ms. [redacted] was interviewed by LASD Homicide Sergeant Mitch Loman on April 1, 2010, at 1358 hours. The interview was digitally audio recorded. The narrative which follows is intended only as a synopsis of the IAB interview. Additional information and precise wording may be obtained by reviewing Ms. [redacted] recorded interview.

Ms. [redacted] stated she was driving eastbound on the Century Freeway on April 1, 2008, at approximately 8:00 a.m. As she drove closer, she saw two men exit two vehicles. She saw one man point a gun at the other man. Ms. [redacted] did not see anything in the other man's hand(s).

As she passed, she heard two gunshots. She looked in her rear view mirror and saw one of the men lying on the ground. Ms. [redacted] called 911 on her cellular phone and reported her observations.

> **IAB Note:** Ms. [redacted] stated she thought Suspect Ruiz' vehicle was parked behind Deputy [redacted] vehicle.

Mr. [redacted]

Mr. [redacted] was interviewed by LASD Homicide Sergeant Steve Rubino on April 1, 2010, at 1340 hours. The interview was digitally audio recorded. The narrative which follows is intended only as a synopsis of the Homicide interview. Additional information and precise wording may be obtained by reviewing Mr. [redacted] recorded interview.

Mr. [redacted] said;

> I was driving down the 105, eastbound (in the number one lane), coming to work and it was approximately, I think it was ten til eight o'clock, and I was on the, the speaker phone, blue tooth in the car, with my office and I looked over and saw two cars on the side of the road and the two cars, you see two cars all the time. Whether there's an accident or someone was broken down, and what caught my eye was that someone was on the ground.
>
> There were two men and the first one that caught my eye was on the ground and he was kind of like on his side almost. Like you would think if someone was involved in an accident they would just be on their back and they would be waiting for someone to come and rescue them. Well he was in a very awkward position, like as if he was trying to get up or something, and he was on his side and he was kind of like reaching his arm out, which led me to look to the right. I looked to his immediate right and probably no more than two or three feet to his right is another man standing over him and it looked like he was holding a gun and I thought well this could be my imagination.

Maybe it's a taser, maybe it's a phone and I thought well nobody holds a phone and aims it at someone. It looked like a, like you would think of a Dirty Harry type of a long, skinny barrel on the end of a revolver. I think it was in his right hand.

There was a yellow car and it appeared to me that the yellow car was in front. The other car might have been gray, I don't know and I couldn't tell you the make or model, because it all happened so fast. I'm going seventy miles an hour and I was gone.

Mr. [redacted] stated that he didn't see anything in the hand(s) of the man laying on the ground.

Mr. [redacted]

Mr. [redacted] was interviewed by LASD Homicide Sergeant Steve Rubino on April 1, 2010, at 1150 hours. The interview was digitally audio recorded. The narrative which follows is intended only as a synopsis of the Homicide interview. Additional information and precise wording may be obtained by reviewing Mr. [redacted] recorded interview.

Mr. [redacted] said;

I was driving to work. It was a little bit after eight o'clock and I was on the 105, going eastbound and as I was coming up to Crenshaw, the traffic was kind of slow. So I worked my way over to the fast lane and as I came up on Crenshaw, I saw a couple cars pulled over to the side. So I assumed there had been an accident. So I looked over and I saw two gentlemen, between the two cars. One man was laying flat on his back with his arms out to his, out toward the sides and another man standing over him with what appeared to be a gun (pointed at the other man's chest) and maybe trying to talk on a cell phone. I initially thought the guy was working on his car, but I thought it was kind of odd, because his head was kind of in the lane. So when I looked up, I saw the other gentleman with the gun. So I was kind of concerned, so I called 911. I wasn't sure if he was an off-duty cop or maybe just random violence or something, but that's about all I saw.

Mr. [redacted] couldn't provide any information about the position or description of the two vehicles.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

JANICE L. MAURIZI • Director

July 16, 2009

Captain David Smith
Homicide Bureau
Los Angeles County Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J. S. I. D. File No. 08-0203
L.A.S.D. File No. # 008-03605-0399-056

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 1, 2008, non-fatal shooting of Jose Ruiz by off-duty Los Angeles County Sheriff's Deputy [redacted] We have concluded that there is insufficient evidence that Deputy [redacted] committed criminal misconduct.

The following analysis is based upon investigative reports, property reports, analyzed evidence reports, and summaries of witness' statements provided by the Los Angeles Sheriff's Department (LASD) and submitted to this office by Detective Gene Okata on August 8, 2008. The complete investigation was received by the District Attorney's Office in March 2009. The District Attorney Command Center was notified of the shooting at approximately 9:30 a.m. on April 1, 2008. The District Attorney Response Team, comprised of Deputy District Attorneys Renée Korn, John Moulin and District Attorney Senior Investigator [redacted] responded to the scene. They were given a briefing of the circumstances surrounding the shooting and a "walk-through" of the scene. Compelled statements were not considered in our analysis.

FACTUAL ANALYSIS

<u>Statement of Deputy [redacted]</u>

On April 1, 2008, Deputy [redacted] was driving home in his personal vehicle after completing his early morning patrol assignment. At approximately 8:04 a.m., he made a

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right turn from Hawthorne Boulevard in the City of Inglewood onto the eastbound entrance to the 105 freeway into the high occupancy lane (HOV). While making a sweeping right turn in the outermost traffic lane, his attention was drawn to a vehicle within the interior traffic lane, which suddenly moved close to his vehicle. [redacted] took evasive action to avoid a collision and sped up to put some distance between them.

Shortly thereafter, [redacted] became aware that the driver of the vehicle that had nearly struck his vehicle was paralleling him two lanes over and slowly moving into the lane next to him. [redacted] glanced over and noted that the driver was a Hispanic male, later identified as Jose Ruiz.[2] Ruiz pulled along side [redacted] vehicle in the adjacent lane, and made a "sudden jerk of the wheel and tried to collide with him." [redacted] quickly applied the brakes, to avoid a collision. [redacted] made eye contact with Ruiz when Ruiz swerved into his lane again. [redacted] believed that his passenger door may have been struck by the encounter and began driving towards the shoulder. Ruiz was in front of [redacted] maintaining his speed while changing lanes and pulling to the right.

During the interview with Detectives Gean Okata and Gilbert Anderson, [redacted] stated to the detectives that Ruiz pulled "over to the right, ahead of me." [redacted] explained, "Once I [redacted] pulled over to the shoulder, he [Ruiz] gets over to the shoulder and parks or stops his car about ten to fifteen yards away from my [redacted] car, in front of me [redacted] However, at the preliminary hearing conducted on September 18, 2008, [redacted] testified that Ruiz was ahead of him and pulled over to the shoulder simultaneously with him.

[redacted] parked his car on the shoulder, and remained in the driver's seat with his service pistol in his lap. Ruiz with his hands in his jacket approached [redacted] vehicle. When Ruiz reached [redacted] front bumper, he saw Ruiz pull a knife from underneath his shirt. [redacted] could not recall if he was still in the driver's seat or in the doorframe of his vehicle, when he "blurted out rather quickly, I'm a cop." [redacted] was uncertain as to whether Ruiz heard him, as there was "plenty of traffic," noise, and Ruiz continued to approach his vehicle.

When Ruiz reached the front wheel well of [redacted] vehicle, he fired two to three rounds, at Ruiz striking him in the chest and elbow. Ruiz immediately fell to the ground dropping the knife. Believing that Ruiz was no longer a threat, [redacted] approached Ruiz and said, "Dude what is your problem, I'm a fucking cop." Ruiz replied, "Hey, I fucked up. I'm sorry." [redacted] used his personal cell phone, contacted Lennox Station and requested paramedics.

Medical personnel arrived and Ruiz was transported to Harbor UCLA Medical Center for treatment. Detectives inspected both cars and did not find any damage.

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[2] [redacted] did not recognize Ruiz from any prior law enforcement or personal contacts.

LOS ANGELES COUNTY METROPOLITIAN TRANSIT AUTHORITY RECORDING OF CRENSHAW STATION

A review of the Los Angeles County Metropolitan Transportation Authority (MTA) recording of the Crenshaw passenger station cameras reveals that as [redacted] passed the station he was straddling his lane and the lane occupied by Ruiz. Moments later Ruiz is seen changing lanes to the right, pulling over the shoulder. [redacted] is seen following Ruiz and changing lanes to the right. The MTA camera showed that Ruiz initially stopped on the shoulder. [redacted] followed Ruiz to the shoulder and parked his vehicle approximately eight feet behind Ruiz.

STATEMENT OF JOSE RUIZ

On April 1, 2008, Jose Ruiz was interviewed by Detectives Okata and Anderson at UCLA Harbor General Hospital. Ruiz stated that he worked at a construction job and was on his way to work when the incident occurred.

Ruiz entered the eastbound 105 freeway entrance at Hawthorne Boulevard. While completing the turning movement onto the eastbound lanes of traffic, his vehicle was nearly struck by a vehicle driven by [redacted] Ruiz became angry, looked in [redacted] direction and noticed that [redacted] was extending his middle finger "flipping him off," indicating, "Fuck you." Ruiz, furious at the near collision, sped up and followed [redacted]

When Ruiz changed lanes, he noticed that [redacted] also changed lanes. The second time Ruiz changed lanes, [redacted] did the same but almost crashed into him again. They exchanged angry looks and shouted at each other, "What," – "what," through open windows.[3] At one point [redacted] displayed a handgun. Upon seeing the handgun, Ruiz pulled to the shoulder of the freeway and [redacted] followed by stopping his car approximately ten feet behind him.

Since he had seen [redacted] with a gun, Ruiz armed himself with a knife and exited his vehicle. Ruiz took three to five steps in [redacted] direction when [redacted] shot him in the chest and arm from behind his driver's door. When he fell to the ground, [redacted] stopped shooting. Ruiz was adamant that [redacted] never identified himself as a police officer. He learned that [redacted] was a police officer when he was told at the hospital.

Ruiz was charged in case number SA067329 with violating Penal Code Section 245(c), assault with a deadly weapon on a peace officer, and Penal Code Section 245(a)(1), assault with a deadly weapon. On October 29, 2008, Ruiz pleaded no contest to violating Penal Code Section 245(a)(1) and was sentenced to five years formal probation, 81 days

[3] In the interview with Detectives Okata and Anderson, [redacted] denied that his window was open. At the scene of the incident, the photographs show that the windows were open in both vehicles. At the preliminary hearing, [redacted] testified that he did not recall if the windows of his vehicle were open.

credit for time served, 100 hours of community service and all other standard terms and conditions of probation.

LEGAL ANAYLSIS

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming the right of self-defense or the defense of others that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. *People v. Williams (1977) 75 Cal.App.3d 731.*

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. *California Criminal Jury Instructions 3470.*

CONCLUSION

The evidence examined in this investigation shows that Deputy [redacted] and Jose Ruiz were involved in a dispute on the 105 freeway. They pulled to the shoulder of the freeway. Ruiz exited his vehicle with a knife and approached [redacted] vehicle. Upon seeing the knife, [redacted] fired his weapon striking Ruiz. Both individuals gave conflicting statements of what and how the incident took place. Unfortunately, there is no other witness or evidence to corroborate either person. Consequently, it cannot be proven beyond a reasonable doubt that [redacted] committed a crime.

Based upon the foregoing analysis, we find insufficient evidence to prove that Deputy [redacted] unlawfully committed a crime when he used deadly force against Jose Ruiz. We are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By

CORENE S. LOCKE-NOBLE
Deputy District Attorney
(213) 974-3880

c: Deputy Arevalo #[redacted]